

## **ARTICLE XXXIII**

### **CONDOMINIUM SUBDIVISIONS**

#### **SECTION 33.01 INTENT AND PURPOSE**

It is recognized that the Michigan statutes provide for the implementation of developments consisting of one-family detached residential dwelling units and sites through procedures other than those enabled by the Subdivision Control Act (Act 288 of 1967, as amended). The intent of this section is to provide procedures and residential subdivisions implemented under the provisions of the Condominium Act (Act 59 of 1978, as amended), and to insure that such developments are consistent and compatible with conventional one-family platted subdivisions and promote the orderly development of the adjacent areas. It is not intended that commercial or industrial condominium projects will be reviewed or approved under this section of the ordinance. See instead Article XXIV.

#### **SECTION 33.02 GENERAL PROVISIONS**

For the purpose of this section, a Condominium Subdivision shall include any residential development in a residential or agricultural district proposed under the provisions of the Condominium Act (Act 59 of 1978, as amended), consisting of two (2) or more single family detached residential structures on a single parcel, with the exception that the provisions of this section shall not apply to Special Purpose Districts - Planned Residential Zone (PRD). (See Article XXVII.) Two family and multiple housing shall only be constructed in and be consistent with the additional requirements of the zoning areas which allow them. (See Article VIII, Residential District 2 and Article IX, Residential District 3.)

#### **SECTION 33.03 REQUIRED PLANS AND CONDITIONS**

- A. CONDOMINIUM LOTS - The Condominium Subdivision Plan shall indicate specific parcel dimensions with front, rear, and side condominium lot lines allocated to each condominium dwelling unit which shall meet the conditions of the zoning area in which they are located. For the purpose of this section and to insure compliance with the provision herein, these parcels shall be referred to as condominium lots. The description, size, location, and arrangement of the lots shall conform to the requirements of a conventional platted subdivision. All condominium subdivision lots shall be deeded as limited common elements for the exclusive use of the owners of the condominium subdivision units.
- B. Each condominium dwelling unit shall be located within the condominium lot.
  - 1. The minimum size condominium lot per dwelling unit, maximum dwelling unit height, minimum yard setbacks, minimum elevation width of the principle structure and maximum percentage of condominium lot area covered by all structures shall conform with the requirements of the zoning district in which located and Section 4.10 (Maximum Height) of the Solon Township Zoning Ordinances.

2. The condominium lot size and the required setbacks shall be measured from the designated front, rear and side condominium lot lines.
  3. Side condominium lot size shall be essentially at right angles to straight roads and radial to curved roads.
  4. Narrow, deep condominium lots shall be avoided. The depth of a condominium lot generally shall not exceed two and one-half (2 2) times the width as measured at the building line.
  5. Corner condominium lots shall have extra width to permit appropriate building setback from both roads or orientation to both roads.
  6. Condominium lots shall back into such features as primary roads, except where there is a marginal access road, unless a secondary access is provided. Such condominium lots shall contain a landscaped easement along the rear at least twenty (20) feet wide to restrict access to the primary road, to minimize noise and protect outdoor living areas.
  7. Condominium lots extending through a block and having frontage on two local roads shall be prohibited.
  8. Unless the circumstances are such that the land area is not of sufficient size to develop secondary roads, all condominium lots shall front on secondary roads. Condominium lots along M-72 and other county primary roads shall not front but shall back up to such roads.
  9. All condominium lots shall front upon a public road, private road or frontage drive.
- C. **STREETS** - If a condominium subdivision is proposed to have private streets, they shall be designed to at least the minimum design, construction, inspection, approval and maintenance requirements of the Solon Township Road Ordinance ARTICLE XXVIII for private roads. All public streets within a condominium subdivision shall be constructed as required by the Leelanau County Road Commission.
- D. **WATER AND SEWAGE** - Water supply and sewage disposal systems shall comply with the requirements of the designated County Health Department and such ordinances of Solon Township as may apply.
- E. **STREET TREES** - There shall be a minimum of two (2) trees per condominium lot. At least three (3) trees shall be provided for a corner condominium lot. The tree species shall comply with Soil Conservation District recommendations for urban forest use.
- F. **WETLAND AND FLOODPLAIN RESTRICTIONS** - There shall be no development or modification of any kind within a wetland or floodplain area without there first having been issued a wetlands permit by the Department of Environment Quality and/or an Earth Change permit as appropriate. Lands subject to high organic content soils, high water table, flooding or otherwise deemed by the planning commission to be uninhabitable shall not be used for residential purposes, or for uses that may in the judgement of the Planning Commission increase the danger to health, life, or property or increase the flood hazard. Such land within a condominium subdivision shall be set aside for other uses, such as parks or other open spaces.
- G. **REMOVAL OF FRUIT TREES** - When an area having existing fruit producing trees, vines or shrubs, is approved for a condominium subdivision, the proper care of these must be provided for in the Condominium Bylaws or the owner of

the property shall remove and destroy all such trees, shrubs and vines before final approval of the condominium subdivision plan.

- H. EROSION AND SEDIMENTATION CONTROL PLANS - In the event that any developer shall intend to make changes in the contour of any land proposed to be developed, or changes in use by grading, excavating or the removal or destruction of the natural topsoil, trees or other vegetative covering thereon, the same shall only be accomplished after the owner of said land or his agent has submitted to the Planning Commission for approval of a plan for erosion and sedimentation controls, unless there has been a prior determination by the Planning Commission that such plans are not necessary. Such plans shall contain adequate measures for control of erosion and siltation where necessary, using the following guidelines and policies contained herein and the standards and specifications of the Leelanau Conservation District. The Planning Commission shall review these plans as submitted and shall take necessary steps, including the hiring of a soil erosion control specialist to review the plans and ensure compliance by the developer with these plans as finally approved. In circumstances where soil erosion comes under the jurisdiction of Act 347 of P.A. 1972, (Acre or more), the developer shall submit a set of plans approved by the Soil Erosion Control Officer. Developer and/or landowner shall pay all cost for the Soil Erosion Specialist hired by Solon Township.

#### **SECTION 33.04 PLAN APPLICATION - DATA AND INFORMATION REQUIRED**

The proprietor shall submit written application to the Solon Township Zoning Administrator for approval of the Condominium Subdivision Plan and also the fee established by the Township Board for review of such plans.

- A. CONDOMINIUM PLAN, PROTECTIVE COVENANTS AND DEED RESTRICTIONS - The condominium developer shall submit to the Township Zoning Administrator twelve copies of the condominium subdivision plan and proposed protective covenants and deed restrictions to meet the requirements of Section 112(1) and 113 to 119 of the Subdivision Control Act.
1. SIZE AND SCALE - The condominium subdivision plan may be on paper and shall be not less than twenty four (24) inches by thirty six (36) inches, at a scale of at least one (1) inch to one hundred (100) feet showing the date and north arrow.
  2. INFORMATION REQUIRED - The following shall be shown on the condominium subdivision plan or subdivision plan or be submitted with it:
    - a. The name of the proposed condominium subdivision.
    - b. Names, addresses and telephone numbers of the proprietor and surveyor preparing the plan.
    - c. Location of the condominium subdivision, giving the name of the township and county.
    - d. Legal description of the property
    - e. The names of property owners, zoning and use of abutting lands.
    - f. Statement of intended use of the proposed condominium, such as; residential single family, two-family and multiple family housing. Also, site proposed for parks, playgrounds, schools, or other public uses.

- g. A map of the entire area scheduled for development and all contiguous land owned by the proprietor, if the proposed plan is a portion of a larger holding intended for subsequent development.
  - h. A location map showing the relationship of the proposed plan to the surrounding area.
  - i. The land use and existing zoning of the proposed condominium subdivision.
  - j. Location, type, dimensions and proposed use of all existing structures.
  - k. Condominium lot lines and total number of condominium lots by block.
  - l. Contours shall be shown on the subdivision plan at five (5) foot intervals where the slope is greater than ten percent (10%) and two (2) foot intervals where the slope is ten percent (10% or less).
  - m. A site report as described in the rules of the State Department of Public Health. The site report is required if the proposed condominium subdivision is not to be served by public sewer and water.
  - n. Proposed and existing storm and sanitary sewers, water mains and their respective profiles, or indicated alternative methods.
  - o. Right-of-way easements, showing location, width and purpose.
  - p. The location and types of all significant existing vegetation, water courses and bodies, flood plains and water retention areas, and soil types.
  - q. In the event soils or vegetation types indicate wetlands may be present, a wetlands determination by a Michigan Department of Environmental Quality as to existence of any wetlands on the property.
  - r. A statement of deed restrictions and bylaws as applicable.
- B. PRELIMINARY ENGINEERING PLANS - The proprietor shall submit fifteen (15) sets of preliminary engineering plans for streets, water, sewers, and other required public improvements. The engineering plans shall contain enough information and details to enable the Planning Commission to make a determination as to conformance of the proposed improvements to applicable township standards.
- C. LIGHTING STANDARDS - Where the developer determines the street lighting is to be provided within the development, the lighting shall be designed, constructed and maintained as to minimize light pollution and shall conform to the following standards:
- 1. All lighting shall be shielded and directed downward. Light sources shall be located and designed so as to prevent light from being directed outside the boundaries of the development.
  - 2. Light poles and fixtures shall be located as low as practical. A greater number of low area lights are favored over high lights.

### **SECTION 33.05 REVIEW PROCEDURES**

- A. DISTRIBUTION TO AUTHORITIES - The Zoning Administrator shall deliver the proposed condominium plan to the Planning Commission and Township Board for review. The Zoning Administrator shall retain one (1) copy and send one (1) copy to the Solon Township Planner/Consultant for review.
- B. STAFF REVIEW - The Township Planner/Consultant shall send recommendations to the

Planning Commission at least ten (10) days prior to Planning Commission review.

C. **PLANNING COMMISSION**

1. The Planning Commission shall review the condominium subdivision plan and the reports of the County Road Commission, the County Drain Commission/Soil Erosion Officer, County Health Department and the Township Planner/Consultant.
2. The Planning Commission shall hold a public hearing on the proposed condominium subdivision plan.
3. If, following the review and public hearings prescribed above, the Planning Commission determines that the proposed plan meets all requirements of the ordinance, the Planning Commission shall send notice of action with comments to the Township Board.
4. If the condominium subdivision plan does not meet all requirements, the Planning Commission shall recommend disapproval of the plan to the Township Board. It shall state its reasons in its official minutes and forward same to the Township Board, and recommend that the Township Board disapprove the condominium subdivision plan until the objections causing disapproval have been changed to meet the approval of the Planning Commission.

D. **TOWNSHIP BOARD -**

1. The Township Board shall not review, approve or reject a condominium subdivision plan until it has received from the Planning Commission its report and recommendations.
2. The Township Board shall consider the condominium subdivision plan at its next meeting after receipt of the recommendations of the Planning Commission.
3. The Township Board shall either approve the condominium subdivision plan, reject the plan and give its reasons, or table the proceedings pending changes of the plan to make it acceptable to the Board.

**SECTION 33.06 CONDITIONS AND DURATIONS OF APPROVAL**

A. **CONDITIONS** - The approval of the Township Board will indicate that the proposed condominium subdivision plan meets the provisions of section 141 (1) of the Condominium Act relating to ordinances and regulations of Solon Township, but does not cover additional permits that may be requires after the master deed has been recorded.

B. **DURATION** - Approval of the condominium subdivision by the Township Board shall be for a period of one (1) year from the date of its approval by the Township Board. Within that year, construction of the common elements and infrastructure shall be completed. The Township Board may extend the one (1) year period if applied for and granted in writing but only concerning its own requirements.

C. **CONDOMINIUM SUBDIVISION PLAN APPROVAL CONTACT -**

1. If the Township Board approves the condominium subdivision plan, it shall instruct the Township Attorney to prepare a contract setting forth the conditions upon which such approval is based. Such contract, after approval by the Township Board, shall be entered into the Township and the petitioner prior to issuance of a land use permit

for any construction in accordance with the approved condominium plan. All reasonable costs, as established by the Township Board, related to preparation of said contract shall be paid by the petitioner to the Township Treasurer prior to the issuance of any land use permits.

2. As a condition of the approval of the condominium subdivision plan by the Township Board, the petitioner shall furnish a cash bond or irrevocable bank letter of credit from a bank chartered in the State of Michigan in the amount of the cost plus an additional ten percent (10%) of the cost of the proposed improvements to common land, as estimated by the Township Planner/Consultant guaranteeing the completion if such improvement within a time set by the Township Board.